

State of California, State Water Resources Control Board
Division of Water Rights
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400 Web: <http://waterrights.ca.gov>



S008244%S%2004

2002, 2003, 2004

CN

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.
Please Complete and Return This Form by JULY 1, 2005.

*If the mail recipient's name, address or phone No. is wrong or missing, please correct.

Owner of Record: BROCAP VINEYARD COMPANY;

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:

DANIEL L CAPP
3600 WOODEN VALLEY RD
NAPA, CA 94558

STATEMENT NO.: S008244
CONTACT PHONE NO.: (707)425-4179

Source Name: SUISUN CREEK
Tributary To: CHADBOURNE SLOUGH
County: Napa
Diversion Within: SW1/4 of NW1/4 Section 31, T06N, R02W, MB&M

Year of First Use: 1960
Parcel Number:

STATE OF CALIFORNIA
DIVISION OF WATER RESOURCES
2006 MAY 30 PM 4:56
SACRAMENTO

- A. Water is Used Under: Riparian claim ☒ Pre-1914 right _____ Other (explain): _____
B. Year of First Use: (Please provide if missing above) _____
C. Amount of Use: Enter the amount (or the approximate amount) of water used each month, using the table below.

Amounts below are in: Gallons				Million Gallons (MG)				Acre-feet (AF) <input checked="" type="checkbox"/>			Other		Total Annual
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
2002					3	2	2	3					10
2003					3	5	4	6	2				9
2004													20

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
Irrigation 25 acres; Stockwatering _____; Domestic _____
Other (specify) grape vineyard
- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed.
(New pump, enlarged diversion dam, location of diversion, etc.)
finalizing drip irrigation system
- F. Please answer only those questions below which are applicable to your project.
1. Conservation of water
- a. Are you now employing water conservation efforts? YES ☒ NO ☐
Describe any water conservation efforts you have initiated: completed most of drip system
am adding pumping station
- b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:
- Reduction in Diversions:
Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)
- Reduction in consumptive use:
Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)
- I have data to support the above surface water use reductions due to conservation efforts. YES ☐ NO ☐

BENEFICIAL USE(S) OF WATER: (Note: See reverse side for a summary of the beneficial uses of water authorized under your permit.)
7. If your use of water has commenced, check the appropriate boxes below and explain how the water was used:

a. <input checked="" type="checkbox"/> Irrigation	<u>60</u>	f. <input type="checkbox"/> Municipal	
b. <input checked="" type="checkbox"/> Frost Protection	<u>60</u> Acres	g. <input type="checkbox"/> Domestic	Approximate population
c. <input checked="" type="checkbox"/> Heat Control	<u>60</u> Acres	h. <input type="checkbox"/> Power Generation	No. of persons, lawn/garden area, etc.
d. <input type="checkbox"/> Industrial	Acres	i. <input type="checkbox"/> Recreational	Installed capacity in kW, MW, or hp
e. <input type="checkbox"/> Stockwatering	Specify	j. <input type="checkbox"/> Other	Boating, fishing, water contact sports
	No. & type of animals		Specify

AMOUNT OF WATER USED: Please report only the amounts diverted and beneficially used under this permit.
8. Amount of water used each month under this permit in ☐ gallons or ☒ acre-feet:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Annual
		<u>5</u>	<u>5</u>		<u>10</u>	<u>10</u>	<u>15</u>	<u>10</u>				<u>55</u>

STORAGE PROJECTS ONLY: (Note: Up to 5 reservoirs may be covered under a single permit. Refer to your permit for the actual number covered.)
9. Complete for long-term storage projects only:

- a. ☐ YES ☒ NO Did your reservoir(s) spill this year?
If No, how many feet below the spillway vertically was the water level(s) at maximum storage? 5
b. ☐ YES ☒ NO Have you emptied the reservoir(s)?
If No, how many feet below the spillway vertically was the water level(s) at minimum storage? 7

PLEASE ANSWER ONLY THOSE QUESTIONS BELOW WHICH ARE APPLICABLE TO YOUR WATER RIGHT PROJECT.
(Please note that future amendments to the claims below will not be accepted.)

An appropriate water right can be reduced or revoked through five continuous years of nonuse. However, the California Water Code specifies that under certain conditions no reduction or loss of the appropriate water right shall occur due to: (a) water conservation efforts; (b) use of recycled, desalinated, or polluted water; and/or (c) conjunctive use of groundwater and surface water. You must report the extent and amount of water claimed for credit below. Failure to report the amounts will deprive you of the benefits allowed under the Water Code sections.

CONSERVATION OF WATER: (Water Code section 1011)

10. ☒ YES ☐ NO During the period covered by this Report, were you implementing any water conservation efforts? If YES, please describe:

installed drip system throughout vineyard

11. If YES and you want to claim credit for the amount of water conserved towards the water use authorized under your permit as allowed under Water Code section 1011, please show the amount of water conserved below:

_____ (specify the amount in acre-feet or million gallons) Future amendments to this claim will not be accepted.

WATER QUALITY AND WASTEWATER RECLAMATION: (Water Code section 1010)

12. ☐ YES ☒ NO During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?

13. If YES and you want to claim credit for the substitution of this reclaimed, desalinated, or polluted water in lieu of the surface water authorized under your permit as allowed by Water Code section 1010, please show the amount of reclaimed, desalinated, or polluted water used below:

_____ (specify the amount in acre-feet or million gallons) Future amendments to this claim will not be accepted.

CONJUNCTIVE USE OF GROUNDWATER AND SURFACE WATER: (Water Code section 1011.5)

14. ☐ YES ☒ NO During the period covered by this Report, were you using groundwater in lieu of the surface water authorized under your permit?

15. If YES and you want to claim credit for the groundwater used in lieu of the surface water authorized under your permit as allowed under Water Code section 1011.5, please show the amount of groundwater used below:

_____ (specify the amount in acre-feet or million gallons) Future amendments to this claim will not be accepted.

REMARKS: (Identify the item you are explaining; additional pages may be attached.)

We wrote in several years ago, explaining that the project was completed & asking for a final inspection & permit. We were told that we'd have to wait, but the permit would still be good. We are requesting that final inspection & permit approval again.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

Signature: Marguerite Capp
PERMITTEE (OR AGENT/DESIGNEE)

Date: 3/14/06

Phone No: 707-425-4179

12/2005

PROGRESS REPORT BY PERMITTEE - PAGE 2

ps

707-399-0708

Marguerite Capp

May 30 06 04:40p

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000, SACRAMENTO, CA 95812-2000
(916) 657-2170

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1999

OWNER OF RECORD: BROCAP VINEYARD COMPANY

DANIEL L CAPP
3600 WOODEN VALLEY RD
NAPA, CA 94558

STATEMENT NO: S008244

SOURCE: SUISUN CREEK
TRIBUTARY TO: CHADBOURNE SLOUGH
COUNTY: NAPA
DIVERSION

TELEPHONE NUMBER:
(707) 425-4179

YEAR OF FIRST USE: 1960
PARCEL NO:

WITHIN: SW¼ OF NW¼ SECTION 31, T6N, R2W, MB&M.

A. Water is used under: Riparian claim ☒ Pre 1914 right ☐ Other (explain): ☐

B. Year of first use. (Please provide if missing above) 1960

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are. Gallons ☐ Acre-feet ☒ Other ☐

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
1996					10	20	20	10					80
1997					10	20	20	10					80
1998					10	20	20	10					80

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 63 acres; Stockwatering ☐ Domestic ☐

Other (specify) GRAPES VINEYARD

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.) NONE

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Describe any water conservation efforts you may have started: SOME DRIP IRRIGATION

b. ☐

c. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

19 NONE (af/mg) 19 ☐ (af/mg) 19 ☐ (af/mg)

2. Water quality and wastewater reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES ☐ NO ☒

SUP-STATE (12-98)

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
SACRAMENTO
99 MAR 30 PM 12:25

MAY 4 1999
MAY 1 1999

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000, SACRAMENTO, CA 95812-2000
(916) 657-2170

- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:
- 19 NONE (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)
3. Conjunctive use of surface water and groundwater
- a. Are you now using groundwater in lieu of surface water? YES _____ NO ☒
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:
- 19 NONE (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 3/29 19 99 at 3600 WOODEN VALLEY RD., NAPA, California

SIGNATURE: Daniel L. Capp

PRINTED NAME: DANIEL L. CAPP
(first name) (middle init.) (last name)

COMPANY NAME: BROCAP VINEYARD COMPANY

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and per 1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000
(916) 657-1875

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 008244

~~BROCAP~~
~~C/O E F BROVELLI, JR~~
~~P O BOX 878~~
~~NAPA, CA 94558~~

BROCAP VINEYARD Co.
C/O DANIEL L. CAPP
3600 WOODEN VALLEY ROAD
NAPA, CA 94558

TELEPHONE NUMBER:
~~(707) 252-8555~~
(707) 425-4179

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: SUISUN CREEK

TRIBUTARY TO: CHADBOURNE SLOUGH

COUNTY: NAPA

YEAR OF FIRST USE: 1960

DIVERSION

WITHIN: SW1/4 OF NW1/4 SECTION 31, T06N, R02W, MDB&M.

COMPLETE AND RETURN THIS FORM BY JULY 1, 1994.

A. Water is used under: Riparian claim ☒; Pre 1914 right _____; Other (explain) _____

B. Year of first use (Please provide if missing above) 1960

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) _____

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1991					10	20	20	10					80
1992					10	20	20	10					80
1993					10	20	20	10					80

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 63 acres; Stockwatering _____; Domestic _____

Other (specify) GRAPES VINEYARD

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

NONE

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

N.A.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 6/29, 19 94, at Napa, California

Signature: Daniel L. Capp

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriate right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"

"Information Pertaining to Water Rights in California"

"Water Rights for Stockponds Constructed Prior to 1969"

"Appropriation of Water in California"

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

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Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1996.

OWNER OF RECORD: BROCAP VINEYARD COMPANY

DANIEL L CAPP
3600 WOODEN VALLEY RD
NAPA, CA 94558

STATEMENT NO: S008244

SOURCE: SUISUN CREEK
TRIBUTARY TO: CHADBOURNE SLOUGH
COUNTY: NAPA
DIVERSION

TELEPHONE NUMBER:
(707) 425-4179
YEAR OF FIRST USE: 1960
PARCEL NO:

WITHIN: SW¼ OF NW¼ SECTION 31, T6N, R2W, MB&M.

A. Water is used under: Riparian claim ☒; Pre 1914 right ☐; Other (explain) ☐

B. Year of first use (Please provide if missing above) 1960

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) ☐

YEAR	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT	OCT.	NOV.	DEC	TOTAL ANNUAL
1993					10	20	20	10					80
1994					10	20	20	10					80
1995					10	20	20	10					80

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 63 acres; Stockwatering ☐; Domestic ☐

Other (specify) GRAPES VINEYARD

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)
NONE

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.
N.A.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 6/30, 19 96, at Napa, California

SIGNATURE: Daniel L. Capp

PRINTED NAME: DANIEL (FIRST NAME) L. (M. NAME) CAPP (LAST NAME)

COMPANY NAME: BROCAP Vineyard Co.

See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.

5-8 244

*** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ***

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S008244
OWNER OF RECORD: BROCAP VINEYARD COMPANY

DANIEL L CAPP
3600 WOODEN VALLEY RD
NAPA, CA 94558

SOURCE: SUISUN CREEK
TRIBUTARY TO: CHADBOURNE SLOUGH
COUNTY: NAPA
DIVERSION

WITHIN: SW¼ OF NW¼ SECTION 31, T6N, R2W, MDB&M.

TELEPHONE NUMBER:
(707) 425-4179
YEAR OF FIRST USE: 1960
PARCEL NO:

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, 1995.

- A. Water is used under: Riparian claim ☒; Pre 1914 right ☐; Other (explain) ☐
- B. Year of first use (Please provide if missing above) 1960
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) ☐

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC	TOTAL ANNUAL
1992					10	20	20	10					80
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- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
Irrigation 63 acres; Stockwatering ☐; Domestic ☐
Other (specify) GRAPES VINEYARD

*** CONTINUE ON BACK PAGE ***

SACRAMENTO DIV. OF WATER RIGHTS
1995 JUN 30 PM 1:31
STATE WATER RESOURCES CONTROL BOARD

*** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ***

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

_____ NONE _____

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

_____ N. A. _____

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 5/30, 19 95, at NAPA, California

SIGNATURE: Daniel L. Capp

PRINTED NAME: DANIEL L. CAPP
(FIRST NAME) (M. NAME) (LAST NAME)

COMPANY NAME: BROCCAPP VINEYARD COMPANY

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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- "Water Rights for Stockponds Constructed Prior to 1969"
- "Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. Box 2000
Sacramento, CA 95812-2000

STATEMENT OF WATER DIVERSION AND USE
INFORMATION SHEET

STATEMENT NO. 5008244

DIVERSION SITE:

OWNER'S NAME DANIEL L. CAPP
(FIRST) (MIDDLE) (LAST)

PARCEL NO. APN 33-34-01

PLACE OF USE:

OWNER'S NAME DANIEL L. CAPP
(FIRST) (MIDDLE) (LAST)

1. PARCEL NO. APN 33-34-05

2. PARCEL NO. APN 33-34-08

3. PARCEL NO. APN 33-34-01

PERSON OR FIRM TO RECEIVE ALL CORRESPONDENCE AND SUPPLEMENTAL
STATEMENTS:

OWNER/LESSEE/AGENT/OTHER OWNER

NAME DANIEL L. CAPP
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS 3600 WOODEN VALLEY Rd.
Napa , CA 94558
(CITY) (STATE) (ZIP)

TELEPHONE NO. (707) 425 - 4177

OTHERS USING ABOVE DIVERSION LOCATION:

1. NAME _____
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS _____

(CITY) (STATE) (ZIP)

TELEPHONE NO. () -

2. NAME _____
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS _____

(CITY) (STATE) (ZIP)

TELEPHONE NO. () -

☐ ADDITIONAL INFORMATION CONTINUED ON BACK OF PAGE OR ATTACHED

PLEASE USE THE OTHER SIDE TO PROVIDE THE ABOVE INFORMATION FOR
ADDITIONAL OWNERS OR PLACES OF USE AND CHECK THE ADDITIONAL
INFORMATION BOX.